

DOCKET NO. : GLIS-0128



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Reissue Application of:

Chris Buhr, Mark Matteucci, Norbert W.
Bischofberger and Brian Froehler

U.S. Patent No.: 5,672,697

Issued: September 30, 1997

Serial No.: 652,978

Group Art Unit: 1623 *

Filing Date: February 8, 1991

Examiner: G. Kunz *

Reissue Serial No.: 09/408,396

Reissue Filing Date: September 29, 1999

For: NUCLEOSIDE 5'-METHYLENE PHOSPHONATES

Assistant Commissioner for Patents
Washington DC 20231

Sir:

COMBINED REISSUE APPLICATION DECLARATION AND POWER OF
ATTORNEY BY INVENTOR(S) OR ASSIGNEE¹

Declaration by Inventor(s):

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;
and

I verily believe that I am the original, first and sole inventor (if only one name is listed below), or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed in letters patent number **5,672,697** granted on **September 30, 1997** and in the foregoing specification and for which invention I solicit a reissue patent;

* Enter the Group Art Unit and Examiner from which the original patent was issued.

¹ This declaration must be accompanied by Consent of Assignee for Reissue and Assignee's Statement of Ownership Interest.

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ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose all information known to be material to the patentability of this application in accordance with 37 C.F.R. § 1.56.

☐ In compliance with this duty attached herewith is an Information Disclosure Statement in accordance with 37 C.F.R. § 1.97.

PRIORITY CLAIM

I hereby claim foreign priority benefit under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed.

☐ No such applications have been filed.

☐ Such applications have been filed as follows:

Country	Application No.	Date Filed	Priority Claimed
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

STATEMENT OF INOPERATIVENESS OR INVALIDITY OF ORIGINAL PATENT
37 C.F.R. §1.175

That I believe the original patent to be

- ☒ partly
☐ wholly

inoperative or invalid by reason of

- ☐ a defective ☐ specification, ☐ drawing, ☐ both
☒ said patent claiming

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☐ more☒ less

than patentee had a right to claim.

The scope of the claims of the original patent

☒ are enlarged☐ are not enlargedby this reissue application.²

In particular, patentees erred in not claiming the chemical compounds set forth in claims 9-26.

Note: Here, the Declarant must state at least one error in the original patent and describe it, e.g., "by reason of a defective specification or drawing" or "by reason of the patentee claiming more or less than he had the right to claim in the patent," particularly specifying the defects and distinctly specifying the excess or insufficiency in the claims. It is no longer required to specify details as to how the error arose or occurred. If any errors are corrected during reissue prosecution that were not specified herein, a Supplemental Reissue Declaration must be filed prior to allowance in compliance with 37 C.F.R. §1.175.

All errors being corrected in this reissue application up to the time of filing of this declaration under 35 CFR §1.175(a) arose without any deceptive intention on the part of the applicant.

OFFER TO SURRENDER ORIGINAL PATENT 37 C.F.R. §1.178

Applicant hereby offers to surrender the original patent, the reissue of which is sought herein.

POWER OF ATTORNEY

I hereby appoint the following persons as attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

John W. Caldwell

Registration No. 28, 937

Joseph Lucci

Registration No. 33,307

of **WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS LLP**, One Liberty Place - 46th Floor, Philadelphia, Pennsylvania 19103 and

²35 U.S.C. §251 forbids enlarging the scope of the original claims unless the reissue application is filed within two years of the grant of the original patent.

DOCKET NO. : GLIS-0128**PATENT**

Herb Boswell

Registration No. 27,311

Laurel Bernstein

Registration No. 37,280

Edward D. Robinson

Registration No. 43,049

Robert S. Andrews

Registration No. P44,508

of **ISIS PHARMACEUTICALS, INC.**, 2292 Faraday Avenue, Carlsbad, California 92008

Address all telephone calls and correspondence to:


Joseph Lucci**WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS LLP**

One Liberty Place - 46th Floor

Philadelphia, PA 19103


Telephone No. **215-568-3100**.


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Name: Chris Buhr	 Signature
Mailing Address: 355 Belmont Avenue	Date of Signature: 12/20/99
City/State of Actual Residence: Redwood City, CA 94061	Citizenship: U.S.A.

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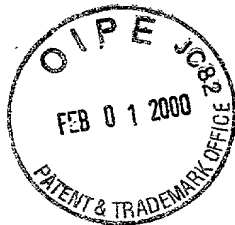
Name: Mark Matteucci	 Signature Date of Signature: <u>1/24/00</u> Citizenship: <u>U.S.A.</u>
Mailing Address: 135 Fawn Lane	
City/State of Actual Residence: Portola Valley, CA 94028	

Name: Norbert W. Bischofberger	 Signature Date of Signature: <u>12-17-1999</u> Citizenship: <u>U.S.A.</u>
Mailing Address: 105 Glasgow Lane	
City/State of Actual Residence: San Carlos, CA 94070	

Name: Brian Froehler	 Signature Date of Signature: <u>1/11/00</u> Citizenship: <u>U.S.A.</u>
Mailing Address: 12635 Water Lily Way	
City/State of Actual Residence: Reno, NV 89511	

Note: Even though inventor(s) do not sign, complete above information for inventor(s).

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Chris Buhr, *et al.*

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Filed: September 29, 1999

Examiner: Not Yet Assigned

For: NUCLEOSIDE 5'-METHYLENE
PHOSPHONATES

Assistant Commissioner for Patents
Washington DC 20231

Sir:

ASSOCIATE POWER OF ATTORNEY

The undersigned, of the firm WOODCOCK WASHBURN KURTZ
MACKIEWICZ & NORRIS LLP, One Liberty Place - 46th Floor, Philadelphia, Pennsylvania
19103, Attorney and/or Agents for Applicant(s), hereby appoints the following:

Robert B. Washburn	Registration No. 16,574	Michael P. Straher	Registration No. 38,325
Richard E. Kurtz	Registration No. 19,263	David A. Cherry	Registration No. 35,099
John J. Mackiewicz	Registration No. 19,709	Anthony J. Rossi	Registration No. 24,053
Norman L. Norris	Registration No. 24,196	Terence P. Strobaugh	Registration No. 25,460
Albert W. Preston, Jr.	Registration No. 25,366	Michael J. Swope	Registration No. 38,041
Dale M. Heist	Registration No. 28,425	Michael J. Bonella	Registration No. 41,628
John W. Caldwell	Registration No. 28,937	Harold H. Fullmer	Registration No. 42,560
Gary H. Levin	Registration No. 28,734	William R. Richter	Registration No. 43,879
Steven J. Rocci	Registration No. 30,489	John E. McGlynn	Registration No. 42,863
Dianne B. Elderkin	Registration No. 28,598	Kimberly R. Hild	Registration No. 39,224
Francis A. Paintin	Registration No. 19,386	Lawrence A. Aaronson	Registration No. 38,369
John P. Donohue, Jr.	Registration No. 29,916	Jonathan M. Waldman	Registration No. 40,861
Henrik D. Parker	Registration No. 31,863	Paul K. Legaard	Registration No. 38,534
Suzanne E. Miller	Registration No. 32,279	Chad Ziegler	Registration No. 44,273
Lynn B. Morreale	Registration No. 32,842	Gwilym J.O. Attwell	Registration No. P45,449
Mark DeLuca	Registration No. 33,229	David N. Farsiou	Registration No. 44,104
Michael P. Dunnam	Registration No. 32,611	Maureen Gibbons	Registration No. 44,121
Michael D. Stein	Registration No. 34,734	Steven H. Meyer	Registration No. 37,189
Albert J. Marcellino	Registration No. 34,664	Paul B. Milcetic	Registration No. P46,261
David R. Bailey	Registration No. 35,057	Joseph R. Condo	Registration No. 42,431
Doreen Yatko Trujillo	Registration No. 35,719	Michael K. Jones	Registration No. 41,100
Barbara L. Mullin	Registration No. 38,250	Frank T. Carroll	Registration No. 42,392
Kevin M. Flannery	Registration No. 35,871	Hans J. Crosby	Registration No. 44,634
Lynn A. Malinoski	Registration No. 38,788	Rena Patel	Registration No. 41,412
		Mark J. Rosen	Registration No. 39,822

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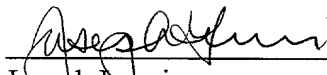
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Mitchell R. Brustein Registration No. 38,394
Peter M. Ullman Registration No. 43,963
Thomas E. Watson Registration No. 43,243
Gregory L. Hillyer Registration No. 44,154
Maria M. Kourtakis Registration No. 41,126
Richard B. LeBlanc Registration No. 39,495

S. Maurice Valla Registration No. 43,966
Vincent J. Roccia Registration No. 43,887
Robin S. Quartin Registration No. 45,028

his/her associates with full power to prosecute the above-identified application and to transact all business in the Patent Office connected therewith and requests that correspondence continue to be directed to the firm of WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS LLP at the above address.

Date: January 28, 2000



Joseph Lucci
Registration No. 33,307

Woodcock Washburn Kurtz
Mackiewicz & Norris LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

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